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Letter dated 8 January 2001 from the Permanent Representatives of Mali and Togo to the United Nations addressed to the Chairman of the Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

We have the honour to transmit to you herewith the text of the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons (see annex) issued at the Ministerial Conference held in Bamako on 30 November and 1 December 2000.

We should be grateful if you would have this letter and its annex circulated as a document of the Conference.

(*Signed*) Moctar **Ouane**
Permanent Representative of Mali

(*Signed*) Roland Y. **Kpotsra**
Permanent Representative of Togo
Representative of the current Chairman
of the Organization of African Unity

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Annex to the letter dated 8 January 2001 from the Permanent Representatives of Mali and Togo to the United Nations addressed to the Chairman of the Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

[Original: English and French]

Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons

I. WE, THE MINISTERS of the Member States of the Organization of African Unity, met in Bamako, Mali, from 30 November to 1 December 2000, to develop an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons in preparation for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, scheduled to take place in New York, from 9 to 20 July, 2001, in accordance with the relevant United Nations General Assembly Resolutions. Our meeting was held in pursuance of:

The Decision AHG/Dec. 137 (LXX), adopted by the 35th Ordinary Session of the Assembly of Heads of State and Government held in Algiers, Algeria, from 12 to 14 July 1999, which called for an African approach on the problems posed by the illicit proliferation, circulation and trafficking of small arms and light weapons, and for the convening of a Ministerial preparatory conference on this matter prior to the holding of the United Nations Conference; and the decisions adopted on this matter by the Council of Ministers, at its 68th Ordinary Session held in Ouagadougou, Burkina Faso, from 1 to 6 June 1998 (CM/Dec. 432 (LXVIII), the 71st Ordinary Session held in Addis Ababa, Ethiopia, from 6 to 10 March 2000 (CM/Dec.501 (LXXI), and the 72nd Ordinary Session held in Lome, Togo, from 6 to 8 July 2000 (CM/Dec.527 (LXXII);

II. WE HAVE CONSIDERED the reports of the Secretary-General on the preparation for the Ministerial Conference on the illicit proliferation, circulation and trafficking of small arms and light weapons, as well as the report of the first continental meeting of African Experts and the International Consultation on the illicit proliferation, circulation and trafficking of small arms and light weapons, held in Addis Ababa, Ethiopia, from 17 to 19 May 2000, and from 22 to 23 June 2000, respectively.

III. In reviewing the situation of the illicit proliferation, circulation and trafficking of small arms and light weapons, WE RECOGNIZE the progress

made at national and regional levels in developing action programmes for the reduction, prevention and management of small arms and light weapons proliferation. In this regard, we welcome in particular, the ECOWAS Moratorium of 31 October 1998, its accompanying Code of Conduct of 1999 and its Plan of Action under the Programme for Coordination and Assistance for Security and Development (PCASED); the Nairobi Declaration adopted by the Ministers of the countries of the Great Lakes and the Horn of Africa regions on 15 March 2000, and its Coordinated Agenda for Action and Implementation Plan; the progress towards the signature of a SADC Declaration and Protocol on Firearms and Ammunition and its Implementation Programme as discussed in August 2000; the Djibouti Declaration of the countries of the Horn of Africa and the Gulf of Aden on antipersonnel landmines, of 18 November 2000; as well as the efforts made by ECCAS Member States, within the framework of the UN Standing Advisory Committee on Security Questions in Central Africa on the proliferation and illicit circulation of small arms and light weapons in Central Africa.

IV. WE REAFFIRM our respect for international law and principles as contained in the Charter of the United Nations, in particular, the respect for national sovereignty, non-interference in the internal affairs of Member States, the right to individual and collective self-defense, as stated in Article 51 of the UN Charter, the right of self determination of peoples and the right of Member States to develop their own defense systems to ensure national security.

V. WE HAVE DELIBERATED extensively on the various aspects of the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons, and HAVE AGREED on the following African Common Position on the illicit proliferation, circulation and trafficking of small arms and light weapons:

1. WE EXPRESS OUR GRAVE CONCERN that the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons continues to have devastating consequences for stability and development in Africa. We recognize that this problem:

i) sustains conflicts, exacerbates violence, contributes to the displacement of innocent populations and threatens international

humanitarian law, as well as fuels crime and encourages terrorism;

ii) promotes a culture of violence and destabilizes societies by creating a propitious environment for criminal and contraband activities, in particular, the looting of precious minerals and the illicit trafficking in and abuse of, narcotic drugs and psychotropic substances and endangered species;

iii) has adverse effects on security and development, especially on women, refugees and other vulnerable groups, as well as on infrastructure and property;

iv) also has devastating consequences on children, a number of whom are victims of armed conflict, while others are forced to become child soldiers;

v) undermines good governance, peace efforts and negotiations, jeopardizes the respect for fundamental human rights, and hinders economic development;

vi) relates to the combating and the eradication of the illicit proliferation, circulation and trafficking of small arms and light weapons, and control of their proliferation;

vii) is both one of supply and demand, transcends borders and calls for cooperation at all levels: local, national, regional, continental and international.

2. WE THEREFORE AGREE that, in order to promote peace, security, stability and sustainable development on the continent, it is vital to address the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons in a comprehensive, integrated, sustainable and efficient manner through:

i) ensuring that the behaviour and conduct of Member States and suppliers are not only transparent but also go beyond narrow national interests;

ii) the promotion of measures aimed at restoring peace, security and confidence among and between Member States with a view to reducing the resort to arms;

iii) the promotion of structures and processes to strengthen democracy, the observance of human rights, the rule of law and good governance, as well as economic recovery and growth;

iv) the promotion of conflict prevention measures and the pursuit of negotiated solutions to conflicts;

v) the promotion of comprehensive solutions to the problem of the illicit proliferation circulation and trafficking of small arms and light weapons that:

- include both control and reduction, as well as supply and demand aspects;
- are based on the coordination and harmonization of the efforts of Member States at regional, continental and international levels;
- involve civil society in support of the central role of governments, in this regard.

vi) the enhancement of the capacity of Member States to identify, seize and destroy illicit weapons and to put in place measures to control the circulation, possession, transfer and use of small arms and light weapons;

vii) the promotion of a culture of peace by encouraging education and public awareness programmes on the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons, involving all sectors of society;

viii) the institutionalization of national and regional programmes for action aimed at preventing, controlling and eradicating the illicit proliferation, circulation and trafficking of small arms and light weapons in Africa; and

ix) the respect for international humanitarian law.

3. WE RECOMMEND that Member States should:

A. At the National Level

i) put in place, where they do not exist, national coordination Agencies or bodies and the appropriate institutional infrastructure responsible for policy guidance, research and monitoring on all aspects of small arms and light weapons proliferation, control, circulation, trafficking and reduction;

ii) enhance the capacity of national law enforcement and security Agencies and officials to deal with all aspects of the arms problem, including appropriate training on investigative procedures, border control and specialized actions, and upgrading of equipment and resources;

iii) adopt, as soon as possible, where they do not exist, the necessary legislative and other measures to establish as a criminal offence under national law, the illicit manufacturing of, trafficking in, and illegal possession and use of small arms and light weapons, ammunition and other related materials;

iv) develop and implement, where they do not exist, national programmes for:

- the responsible management of licit arms;

- the voluntary surrender of illicit small arms and light weapons;

- the identification and the destruction by competent national authorities and where necessary, of surplus, obsolete and seized stocks in possession of the state, with, as appropriate, international financial and technical support;

- the reintegration of demobilized youth and those who possess small arms and light weapons illegally.

v) develop and implement public awareness programmes on the problem of the proliferation and the illicit trafficking of small arms and light weapons;

vi) encourage the adoption of appropriate national legislation or regulations to prevent the breaching of international arms embargoes, as decided by the United Nations Security Council;

vii) take appropriate measures to control arms transfers by manufacturers, suppliers, traders, brokers, as well as shipping and transit agents, in a transparent fashion;

viii) encourage, where appropriate, the active involvement of civil society in the formulation and implementation of a national action plan to deal with the problem;

ix) enter into binding bilateral arrangements, on a voluntary basis with neighbouring countries, so as to put in place an effective common system of control, including the recording, licensing and collection of small arms and light weapons, within common frontier zones.

B. At the Regional Level

i) Put in place, where they do not exist, mechanisms to coordinate and harmonize efforts to address the illicit proliferation, circulation and trafficking of small arms and light weapons;

ii) Encourage the codification and harmonization of legislation governing the manufacture, trading, brokering, possession and use of small arms and ammunition. Common standards could include, but not be limited to, marking, record-keeping and controls governing imports, exports and the licit trade;

iii) Strengthen regional and continental cooperation among police, customs and border control services to address the illicit proliferation, circulation and trafficking of small arms and light weapons. These efforts should include, but not be limited to, training, the exchange of information to support common action

to contain and reduce illicit small arms and light weapons trafficking across borders, and the conclusion of the necessary Agreements in this regard;

iv) Ensure that the manufacturers and suppliers of illicit small arms and light weapons, who violate global or continental regulations on the issue, shall be sanctioned. Known brokers and States which act as suppliers of illicitly acquired arms and weapons to combatants in Member States, should equally be sanctioned by the international community.

4. WE STRONGLY APPEAL to the wider international community and, particularly, to arms supplier countries, to:

i) Accept that trade in small arms should be limited to governments and authorized registered licensed traders;

ii) Actively engage, support and fund the efforts of OAU Member States in addressing the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons in the continent;

iii) Seriously consider ways to discourage and eliminate the practice of dumping excess weapons in African countries and in violation of arms embargoes;

iv) Enact appropriate legislation and regulations to control arms transfers by manufacturers, suppliers, traders, brokers, shipping and transit agents;

v) Enact stringent laws, regulations and administrative procedures to ensure the effective control over the transfer of small arms and light weapons, including mechanisms with a view to facilitating the identification of illicit arms transfers; and

vi) Take full advantage of the forthcoming United Nations Conference to make these commitments known.

5. WE CALL for international partnership to curb the illicit proliferation, circulation and trafficking of small arms and light weapons in Africa. In this regard,

i) WE APPEAL to international institutions to support initiatives and programmes aimed at eradicating the illicit proliferation, circulation and trafficking of small arms and light weapons. In this regard, WE REITERATE the call as contained in the relevant United Nations General Assembly Resolutions for financial and other appropriate support for the implementation of these programmes;

ii) WE APPEAL to Governments, all sectors of civil society and donor Agencies for the financial and technical support to national programmes for the reintegration of demobilized youths and those in illegal possession of small arms;

iii) WE CALL FOR close cooperation between the OAU, regional economic communities, the United Nations Agencies, other international organizations, in close association with civil society Organizations, in addressing the illicit proliferation, circulation and trafficking of small arms and light weapons;

iv) WE URGE OAU Member States, the United Nations, Regional Organizations, Research Centers, the civil society and the international community as a whole, to develop and fund action-oriented research aimed at facilitating greater awareness and better understanding on the nature and scope of the problem, providing, whenever possible, a basis for continued advocacy and action on prevention measures, and evaluating the impact of these measures;

v) WE REQUEST that competent international Organizations like INTERPOL, the World Customs Organization (WCO) and the UN Regional Centre for Peace and Disarmament in Africa, play a more important role in the fight against the illicit proliferation, circulation and trafficking of small arms and light weapons;

vi) WE ENCOURAGE all the Member States of the United Nations, to accede to international legal instruments on terrorism and international organized crime.

6. WE CALL for a realistic and implementable programme of action during the 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, which will take place in New York, from 9-20 July 2001 and WE SUPPORT the efforts by the Chairman of the Preparatory Committee in this regard.

7. WE UNDERTAKE to promote and defend this African common position on the illicit proliferation, circulation and trafficking of small arms and light weapons during the 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in all its aspects.

8. WE REQUEST the Secretary-General to follow up on the implementation of the present Declaration and to present regular progress reports to the Council of Ministers.